

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 3, 2014 – LEGISLATIVE CHAMBER, ROOM 314,
TOWN HALL, WEST HARTFORD, CT 06107**

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

ATTENDANCE: Kevin Ahern, Chair; Kevin Prestage, Vice Chair;
Commissioners: Jeffrey Daniels and Michael Seder;
Alternates: Liz Gillette; John O'Donnell (attended until
8:30pm), Michele Maresca; Todd Dumais, Town
Planner/Secretary to TPZ; Catherine Dorau, Associate
Planner; Patrick Alair, Corporation Counsel.

ABSENT: Commissioner: Paul Freeman

MINUTES:

1. Approval of Minutes:

- a. Minutes of Regular Meeting, Wednesday, July 2, 2014. (Motion/Daniels
Second/Maresca) **Vote: 3-0.**
- b. Minutes of Regular Meeting, Monday, August 4, 2014. (Motion/Seder
Second/Gillette) **Vote: 3-0.**

NEW BUSINESS:

97 Waterside Lane - Application (IWW #1010) of Bryan Stolz, Landscape Architect (Cathy Gobes & Al Masciocchi, R.O.s) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Wood Pond). The applicant proposes to rebuild the existing dock on the existing footprint. The dock is approximately 16' long x 4' wide with a 4' x 8' end. (Submitted for IWWA receipt on September 3, 2014. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Seder (Maresca seated for Freeman)) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Monday, October 6, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

137 North Main Street – Application (SUP #1261) of American School for the Deaf (“ASD”) (Timothy Hollister, Attorney) requesting Special Use Permit approval to allow Parcels 2 and 3 as rear lots as part of a subdivision of 44.1 acres. Parcel 2 and Parcel 3 comply with the requirements of Zoning Regulations 177-2 with respect to the expanded dimensions and setbacks of a rear lot. (Submitted for TPZ receipt on July 2, 2014. Required public hearing scheduled for August 4, 2014. Public hearing continued to September 3, 2104.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (3-0)** (Motion/Seder; Second/Prestage)(Gillette seated for Ahern) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.

137 North Main Street – Application (SUB #294) of American School for the Deaf (“ASD”) (Timothy Hollister, Attorney) requesting approval of a three (3) lot subdivision of the 44.1 acre parcel. ASD proposes to divide its land into three (3) lots. Parcel 1 comprised of 28.3 acres will be the ASD campus. Parcel 2 comprised of 7.1 acres (the Boatner parcel) will be purchased by Montessori School of Greater Hartford, the current lessee. Parcel 3, the “Cogswell Building,” which is comprised of 8.64 acres will be listed for sale. (Submitted for TPZ receipt on July 2, 2014. Required public hearing scheduled for August 4, 2014. Public hearing continued to September 3, 2104.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **majority vote (2-1)** (Motion/Seder; Second/Prestage)(Gillette seated for Ahern) (Gillette voted “no”) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings:

1. The proposed subdivision is consistent with the requirements of the Subdivision Regulations found in Chapter 184 of the West Hartford Code of Ordinances.
2. The approved subdivision shall include the Declaration of Conservation Easement to dedicate, conserve and protect as permanent open space, an area consisting of the watercourses known as Trout Brook and its associated wetlands, “Conservation Easement Area.”

3. Final approved plans shall be submitted in electronic form for inclusion into the Town's Geographic Information System (GIS).
4. The letter of approval shall be stripped onto the final plan set.

3115 Albany Avenue – Application (SUP #1260) of Deercliff Land Preservation Trust, Inc. (William Aston, Buck & Buck LLC, Contact) requesting Special Use Permit approval to construct and operate an aircraft landing site (heliport) per Section 177-16.9 of the West Hartford Code of Ordinances. A new ground level concrete pad will be added to the existing graded and seeded lawn area. All standards set forth by the US Department of Transportation, Federal Aviation Administration Advisory (Circular No. 150/5390-2C) will be followed. (Submitted for TPZ receipt on June 2, 2014. Required public hearing scheduled for July 2, 2014. Applicant agreed to a request for postponement to August 4, 2014. Public hearing opened and immediately continued to September 3, 2104.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **majority vote (3-2)** (Motion/Seder; Second/Maresca)(Maresca seated for Freeman)(Daniels and Prestage voted “no”) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The applicant shall submit detailed spill response plan to the Town Planner prior to the completion of all site work.
3. The applicant shall file a performance bond or other acceptable security in the amount of the estimated cost of the sedimentation and erosion controls prior to the commencement of any site work.
4. Operation of the approved aircraft landing site (heliport) shall be limited to the hours between 8 a.m. and 8 p.m. and shall be limited to twelve (12) flight operations per year.
5. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by September 2016 for further review and evaluation. The

TPZ may consider supplemental conditions of approval if operational concerns are identified.

**OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON
SEPTEMBER 3, 2014:**

85 Memorial Road (aka 111 Memorial Road) – Rizzuto’s Italian Restaurant & Bar –

Application (SUP #1111-R2-14) of William Rizzuto, Restaurant Owner (Blue Back Square, LLC, R.O.) requesting Special Use Permit approval to authorize an increase in the outdoor dining area from forty-eight seats (48) to fifty-two (52) seats. A portion of the outdoor dining will be relocated to the front of the restaurant. (Submitted for TPZ receipt on June 2, 2014. Required public hearing scheduled for July 2, 2014. Applicant requested a postponement to August 4, 2014. ****Formal request to withdraw the application by the applicant****)

The TPZ acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage)(Gillette seated for Freeman) to accept your request for withdrawal.

800 Flatbush Avenue – Application (SUP #1264) of the West Hartford Youth Football League (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) seeking a Special Use Permit to install a 12’x16’ pre-fab storage shed at Sterling Field. The shed will be used for storage for the West Hartford Youth Football League. (Submitted for TPZ receipt on August 4, 2014. Required public hearing be scheduled for September 3, 2014.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Maresca; Second/Prestage)(Maresca seated for Freeman) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.

15 Fernbrook – Application (IWW #1006) of Ralph S. Cohen (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Trout Brook). The applicant proposes to construct a raised deck (approximately 264 sq. ft.) attached to the front of the home and the remediation of approximately 90 feet of stream bank along the Trout Brook at the rear of the property. (Submitted for IWWA receipt on August 4, 2014. Determined to be potentially significant and set for public hearing on September 3, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Prestage) (Gillette seated for Freeman) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

15 FERNBROOK
INLAND WETLAND APPLICATION IWW# 1006
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **15 Fernbrook** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1006** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's environmentalist, Clinton L. Webb, Jr., submitted a report dated August 15, 2014.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **15 Fernbrook.**

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2) The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the projects, environmental controls and site work prior to the commencement of any site work and the issuance of building permits to ensure completion of the project as proposed to the IWWA in the official record documents, drawings and exhibits. The bond shall also guarantee corrections of any adverse effects such as siltation occurring downstream. This performance bond shall remain in force and effect until all required improvements are completed and installed.
- 3) Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review of approval by the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional design engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the Agency, the applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.

- 4.) Town Engineering Division shall receive copies of all material received by IWWA and DEEP.
- 5.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 6.) This IWWA permit approval shall be stripped onto the final set plan.
- 7.) The applicant shall provide documentation that shows the riprap slope can resist the erosive force of the 100 year storm event.
- 8.) The applicant shall retain a professional design engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

1. The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
2. Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
3. Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control. In addition, the site contractor shall keep an adequate supply of mulch on site at all times. The Director of Community Services or his designee may order the application of stabilization measures any area which may have erosion potential.
4. The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.

5. No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
6. In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee, and shall include additional erosion controls between the edge of the brook and the proposed excavation.
7. The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
8. The permit shall expire if not exercised within two (2) years from the date of issuance; or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
9. Town Engineering Division shall receive copies of all material received by IWWA.

667 Mountain Road – Application (IWW #1008) Benjamin and Mary Chepovsky, R.O.s (Michael Mastroluca, P.E.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on August 4, 2014. Required public hearing scheduled for September 3, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the IWWA acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage) (Maresca seated for Freeman) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

1. The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.
2. A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town's Geographic Information System.

This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

667 Mountain Road – Application (IWW #1009) Benjamin and Mary Chepovsky

R.O.s (Michael Mastroluca, P.E.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Hart Meadow Brook). The applicant proposes to remove the impairments/obstructions in the brook and stabilize the soil on the east and north side of the home with plantings. (Submitted for IWWA receipt on August 4, 2014. Determined to be potentially significant and set for public hearing on September 3, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage) (Maresca seated for Freeman) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

667 MOUNTAIN ROAD
INLAND WETLAND APPLICATION IWW# 1009
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **667 Mountain Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1009** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional engineer submitted an application narrative dated July 18, 2014 referencing Edward Pawlak, registered soil scientist and certified professional wetland scientist.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **667 Mountain Road**.

This permit is issued and made subject to the following conditions:

- 1. Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2. The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the project, environmental controls and site work prior to the commencement of any site work and the issuance of building permits to ensure completion of the project as proposed to the IWWA in the official record documents, drawings and exhibits. The bond shall also guarantee corrections of any adverse effects such as siltation occurring downstream. This performance bond shall remain in force and effect until all required improvements are completed and installed.
- 3. Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review of approval by the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional civil engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the

Agency, the applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.

4. Town Engineering Division shall receive copies of all material received by IWWA and DEEP.
5. The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
6. This IWWA permit approval shall be stripped onto the final set plan.
7. The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.
8. The applicant shall retain a qualified landscape design professional to oversee the installation of all landscape elements and certify they have been installed in accordance with the approved plan. In addition, the qualified landscape design professional shall provide a yearly report to the Town Planner on the health of all plantings for a period of two (2) years after installation.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

1. The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
2. Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
3. Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control. In addition, the site contractor shall keep an adequate supply of mulch on site at all times. The Director of Community Services or his designee may order stabilization measures to any area which may have erosion potential.

4. The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
5. In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee.
6. The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
7. The permit shall expire if not exercised within two (2) years from the date of issuance; or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
8. Town Engineering Division shall receive copies of all material received by IWWA.

2 Ferncliff Drive - Application (IWW #1005) of ZAP Group, LLC (Michelle LeConche, R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Hart Meadow Brook). The applicant proposes the construction of an approximately 2,200 sf single family home on the 1.19 acre parcel along with associated site improvements. In addition to site grading, the proposal includes a paved driveway, clearing of the rear yard, removal of trees, drainage improvements and connecting to sanitary sewer. (Submitted for IWWA receipt on July 2, 2014. Determined to be potentially significant and set for public hearing on August 4, 2014. *Applicant requested a postponement to September 3, 2014.*)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **majority vote (4 -1)** (Motion/Daniels; Second/Seder)(Gillette seated for Freeman) (Gillette voted”no”) to continue the public hearing to Monday, October 6, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

60 Brook Street, 20 & 26 Brook Street – Application (IWW #1007) of H-K Connecticut Holding Company requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on August 4, 2014. Suggest required public hearing be scheduled for September 3, 2014.)

60 Brook Street – Application (IWW #1004) of H-K Connecticut Holding Company requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Jacobs Brook). The applicant proposes to conduct an approximately 875 s.f. soil remediation project within the 150’ upland review area. (Submitted for IWWA receipt on August 4, 2014. Determined to be potentially significant and set for public hearing on September 3, 2014.)

The IWWA acted by **unanimous vote (5-0)** (Motion/Daniels;Second/Prestage) (O'Donnell seated for Freeman) to approve your request for postponement of the public hearing to Monday, October 6, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

TOWN COUNCIL REFERRAL AND REQUEST FOR REPORT:

1 Chatfield Drive - Application (SDD # 41-R1-14) on behalf of Brookdale Senior Living Inc., the owner and operator of Chatfield of West Hartford and Brookdale Living Communities of Connecticut-WH, Inc., the owner of 1 Chatfield Drive, to amend the previously approved and previously amended Special Development District #41 at 1 Chatfield Drive to redesign a previously approved but still-to-be constructed 70-unit complex on the Chatfield at West Hartford campus to allow for 10 additional assisted living units and 4 additional memory care units for a total increase in building size of approximately 1,086 square feet.(Submitted for Town Council receipt on July 22, 2014. TPZ receipt on September 3, 2014. Town Council public hearing scheduled for September 9, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage)(Gillette seated for Freeman) to **RECOMMEND APPROVAL** of the subject application finding the request consistent with the West Hartford Plan of Conservation and Development.

EXECUTIVE SESSION:

Executive session for the purpose of discussing strategy and negotiation with respect to pending litigation: *Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission, et al.*, Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048984-S; and *Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission/Inland Wetlands and Watercourses Agency, et al.*, Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048983-S. Following discussion of these matters in executive session, the members of the Commission may return to public session for the purpose of voting to authorize settlement of the above captioned matters, subject to approval thereof by the Hartford Superior Court at a hearing scheduled for October 2, 2014 at 10:00 am.

The TPZ acted by **unanimous vote (5-0)** (Motion/Seder; Second/Daniels)(Maresca seated for Freeman) to enter in to an Executive Session. The TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Seder)(Maresca seated for Freeman) to adjourn the Executive Session.

Upon completion of executive session, TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Seder)(Maresca seated for Freeman) to adopt the Resolution Approving Settlement of *Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission, et al.*, Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048984-S; and *Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission/Inland Wetlands and Watercourses Agency, et al.*, Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048983-S as follows:

WHEREAS, SARD CUSTOM HOMES LLC ("the Applicant"), as contract purchaser of and owned by the AMERICAN SCHOOL FOR THE DEAF ("ASD"), filed an application for a Subdivision approval with the West Hartford Plan and Zoning Commission ("Commission") and an application with the Commission, acting in its capacity as Inland Wetlands and Watercourses Authority for the Town of West Hartford, for permission to undertake regulated activity associated with the Applicant's proposed subdivision, both in order to allow the Applicant to develop approximately 5.5 acres of property currently owned by ASD and located to the rear of 137 North Main Street West Hartford, CT and east of East Maxwell Drive, West Hartford, CT ("Applications"); and

WHEREAS, the Commission voted unanimously to deny the Applications; and

WHEREAS, the Applicant appealed the Commission's denial of the Applications to the Superior Court in the above-captioned actions ("Appeals"), which actions are pending; and

WHEREAS ASD intervened in the Appeals as a necessary and indispensable party as the owner of the property sought to be developed; and

WHEREAS Rosalind Katz gave notice of her intervention as a party defendant and her status as a party defendant was affirmed by the Court on July 31, 2014; and

WHEREAS, the Applicant, ASD, representatives of the Commission and Rosalind Katz have met to discuss modifications to the Applications which largely resolve the concerns which caused the Commission to deny them including, inter alia: (1) the establishment of a dedicated open space area by eliminating two lots which were located in a wooded and steeply-sloped portion of the site and which would have posed a risk of increased runoff, erosion and sedimentation to the Trout Brook both during and after construction; (2) the improvement of the design of a proposed detention basin in several respects; and the dedication of both the open space area and the detention basin to ownership by a

homeowners' association with sufficient power and financial resources to maintain those areas; and

WHEREAS the outcome of the Appeals is uncertain, as is always the case in such matters; and

WHEREAS the Applicant, ASD, the Commission and Rosalind Katz wish to resolve the Appeals amicably according to terms set forth in the settlement agreements appended hereto; and

WHEREAS the Commission affirms that this settlement agreement was not reached through coercion or intimidation

NOW THEREFORE BE IT RESOLVED BY THE PLAN AND ZONING

COMMISSION OF WEST HARTFORD THAT the settlement of Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission, et al., Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048984-S; and Sard Custom Homes, LLC et al. v. West Hartford Plan and Zoning Commission/Inland Wetlands and Watercourses Agency, et al., Superior Court of Connecticut, Docket No. HHD-LND-CV-14-6048983-S is hereby approved upon terms substantially as set forth in the settlement agreements attached hereto; and

BE IT FURTHER RESOLVED that the Office of Corporation Counsel for the Town of West Hartford is hereby authorized to execute said settlement agreements and any other ancillary documents as may be necessary to the implementation thereof.

ADJOURNMENT: Motion/Prestage; Second/Gillette (Gillette seated for Freeman)
Vote: (5- 0). Meeting adjourned at 2:15 AM